

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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RICHARD LIVINGSTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-CV-11349-RCL
)	
MBTA EMPLOYEES CREDIT UNION,)	
)	
Defendant.)	
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**DEFENDANT MBTA EMPLOYEES CREDIT UNION'S
MOTION FOR LEAVE TO FILE A REPLY TO PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to LR 7.1(b)(3), Defendant MBTA Employees Credit Union (the "Credit Union") hereby requests leave to submit a reply to *Pro Se* Plaintiff Richard Livingston's ("Livingston" or "Plaintiff") opposition to the Credit Union's Motion for Summary Judgment.

On July 14, 2006, the Credit Union filed a Motion for Summary Judgment seeking dismissal of all of Livingston's claims. In support of the motion, the Credit Union filed a Memorandum, Concise Statement of the Material Facts as to Which there is No Genuine Issue, and Affidavits from Thomas J. Henry, Ellen Pittman, Gary Kravetz and Peter C. Netburn. On July 28, 2006, Livingston filed an Opposition, Argument in Support of his Opposition, Statement of Material Facts to Which There Exist Genuine Issues to be Tried, and an Affidavit from Livingston.

The Credit Union proposes to submit a Reply of no more than ten (10) pages in order to address the arguments raised by Livingston, as well as the statement of facts that Livingston contends are in dispute and require a trial. The Reply is necessary to address Livingston's

diffuse and unfocused arguments, and will assist the Court in analyzing the legal and factual issues presented in this case.

WHEREFORE, Defendant MBTA Employees Credit Union respectfully requests that this Honorable Court grant leave to submit a reply Livingston's opposition to the Credit Union's Motion for Summary Judgment.

LR 7.1(A)(2) CERTIFICATION OF COUNSEL

Pursuant to LR 7.1(A)(2), counsel certifies that he attempted on three separate occasions to confer with the *pro se* plaintiff in good faith to resolve or narrow the issue presented by this motion, but was unable communicate with him.

MBTA EMPLOYEES CREDIT UNION,
By its attorneys,

/s/ Peter C. Netburn
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Dated: August 4, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 4, 2006.

/s/ Eric C. Hipp
Eric C. Hipp